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October 6, 1958

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CONCORD, N.H.

Mrs. Ella K. Stiles, Case Worker  
c/o Rockingham County Commissioners  
County Records Building  
Exeter, New Hampshire

Re: Gertrude Irving and Children, Donna and Robin

Dear Mrs. Stiles:

This is to acknowledge receipt of your letter of October 2, 1958 containing additional factual information relative to the Irving family and supplementing your letter of September 25, 1958 in which you requested the assistance of this office in determining the political subdivision liable for the support of Mrs. Irving and her children.

From the facts which you have submitted to us, it appears that neither Robert Irving nor his wife, Gertrude Irving, have any settlement in any town in this State. That being so, this becomes a county case and it is necessary to resort to the provisions of RSA 166:10 to determine which county is liable for support. RSA 166:10 provides as follows:

"166:10 Liability Between Counties. The county which shall have last relieved any county pauper within ninety days shall be liable to the county in which he may afterward be relieved for all sums of money paid for his relief, support, or funeral, provided he has not resided in the latter county more than ninety days at the time of his first application there for relief. The county in which a person without a legal settlement shall have last resided not less than ninety days shall be liable to the county in which he may afterward make application for relief for all sums of money paid for his relief, support, or funeral, provided he has not resided in the latter county more than ninety days at the time of his first application to the latter county for relief. A copy of any affidavit required by section 4 of this chapter shall be forwarded by the county commissioners liable under section 3 of this chapter to the county commissioners of the county to be charged."

From the facts submitted to us it appears that Mrs. Irving and the two children took up residence in Newmarket, N.H., on February 28, 1958, lived there six months and three weeks and then applied to the Rockingham County for public assistance. There is nothing in the facts to indicate that

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Mrs. Ella M. Stiles, Case Worker

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Strafford County provided any relief during the ninety days preceding Mrs. Irving's application in Rockingham County. It further appears that Mrs. Irving and the two children had resided in Rockingham County far in excess of ninety days at the time of their first application there for relief. It is thus our opinion that Rockingham County rather than Strafford County is the political subdivision responsible for the direct aid furnished to Mrs. Irving and the two children.

If Mr. Irving had a settlement in some town the result would be different as Mrs. Irving under the provisions of RSA 164:1 I, would take his settlement and the town of his settlement would be liable for the support provided Mrs. Irving and the two children. There being no such thing as a "county settlement", the liability of Strafford County for the support of Robert (should he apply there for relief) does not apply to Gertrude and the children.

In brief, while a married woman takes the settlement of her husband, if he has no settlement county liability for her support and for the support of minor children must be determined by applying the provisions of RSA 166:10 to the factual situation in each case.

Very truly yours,

George T. Ray, Jr.  
Assistant Attorney General

GTR, Jr/m